



Agenda Date: 9/26/01

Agenda Item: IIIA

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF NORTHWEST)
NEW JERSEY, INC. FOR A RENEWAL)
CERTIFICATE OF APPROVAL TO)
CONTINUE TO CONSTRUCT, OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN AND FOR THE BOROUGH OF)
GLEN GARDNER, COUNTY OF)
HUNTERDON, STATE OF NEW JERSEY)

RENEWAL **CERTIFICATE OF APPROVAL**

DOCKET NO. CE01070439

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Borough Clerk, Borough of Glen Gardner, New Jersey, by Marilyn Hodgson, for the Borough.

BY THE BOARD:

On April 18, 1980, the Board granted Washington Cable Company, Inc. ("Washington") a Certificate of Approval in Docket No. 804C-6669, for the construction, operation and maintenance of a cable television system in the Borough of Glen Gardner ("Borough"). Prior to the issuance of the Certificate, on January 17, 1980, the Board approved the transfer of the Certificate from Washington to Futurevision Cable Enterprises, Inc. ("Futurevision"), in Docket No. 791C-6614. The Certificate was issued to the petitioning company, Washington, but Futurevision was obliged to meet all obligations agreed to by its predecessor. On September 1, 1988, in Docket No. CM8605542, the Board approved the transfer of the Certificate from Futurevision to Storer Cable Communications of Northwest New Jersey, Inc. d/b/a Storer Cable Communications ("Storer"). On November 1, 1990, the Board granted Storer a Renewal Certificate of Approval for the Borough in Docket No. CE89090790. On November 30, 1992, in Docket No. CM92080843, the Board approved the petition of Comcast Cablevision (a 50% shareholder of the Certificate) and Storer to transfer all assets to Comcast Cablevision, Inc. On

June 27, 1994, Storer notified the Board's Office of Cable Television that it would now be known as Comcast Cablevision of Northwest New Jersey, Inc. ("Petitioner"). Although the Petitioner's Certificate expired on April 18, 2000, it is authorized to continue to provide cable service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on July 15, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner on June 5, 2001. On June 19, 2001, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On July 19, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years. The Office of Cable Television finds this period to be of reasonable duration.
5. The Borough may review the performance of the Petitioner with regard to the ordinance at its discretion. If the Borough determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Borough shall provide written notice to the Petitioner of such alleged instances of non-compliance and shall grant the Petitioner 90 days to cure such deficiency. The Borough may petition the Board for appropriate administrative action, including revocation of the franchise, only after the 90 day opportunity to cure has passed and the deficiency has not been cured.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.

7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the office meeting the requirements of this provision is located at 155 Port Murray Road in Port Murray (Mansfield Township).
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
11. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall provide one system wide community access channel for use by subscribers, organizations and entities served by the cable system. The Petitioner shall maintain a fully equipped and operational local production studio for use by the Borough, the Petitioner and other access producers. The Petitioner shall provide training in the use of the studio, which is a prerequisite for its use.
12. Within 12 months of the issuance of this Certificate, the Petitioner shall provide a capital contribution to Voorhees High School, in Lebanon Township, on behalf of the Borough and several other municipalities, in the amount of \$75,000.00, for the purpose of establishing a television production studio located in one of the district's instructional facilities. The grant shall be for the benefit of all students attending high school in the district.
13. Within 12 months of the issuance of this Certificate, the Petitioner shall provide a capital contribution to the Borough in the amount of \$15,000.00 for PEG access support.

14. The Petitioner shall provide standard installation and basic service of one outlet, free of charge, to each classroom and instructional space in each elementary and high school within the Borough, provided that the facility is within 200 feet of active distribution plant. The Petitioner shall also continue to provide installation and basic service to one outlet, free of charge, to: a) the municipal building; and to each: b) fire department; c) library; d) first aid squad; e) community or senior center; and f) public works building that is located in or may be constructed within the Borough, provided that the facility is within 200 feet of active distribution plant.
15. The Petitioner shall provide free basic Internet service, via high speed cable modem, to one non-networked personal computer in each school and public library in the Borough, provided that the facility is within 200 feet of active distribution plant.
16. Upon reasonable written request of the Borough, the Petitioner shall appear, at least once annually, at a public meeting of the governing body or before the cable television advisory committee, to discuss matters pertaining to the provision of cable service to the residents of the Borough and other related issues.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on April 18, 2015.

DATED: September 27, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

CONNIE O. HUGHES
ACTING PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
BOARD SECRETARY